

Serial No.: 10/749,993
Examiner: Michael C. Lai

REMARKS/ARGUMENTS

Claims 1, 3-10, and 12-21 remain in the application with Claims 1, 10 and 19 being independent claims. Claims 2 and 11 have been previously canceled, while Claims 1 and 10 have been currently amended.

I. Regarding the 35 USC 102(a) rejection

In the Office Action, independent Claims 1 and 10 (along with dependent claims 4-5 and 13-14) were rejected under 35 USC 102(a) as being anticipated by Tonnby et al. (WO 03/067821 A1). Applicants have previously amended independent Claims 1 and 10 to overcome this 102(a) rejection by incorporating an additional limitation that the device be a silent device or a printer.

Examiner originally admitted that Tonnby "doesn't disclose that the device is a silent device or a printer." (See First Office Action, paragraph 11). However, in the most recent office actions, Examiner asserts that Tonnby does indeed disclose this limitation. Examiner states that FIGS. 2 and 12 of Tonnby show edge devices which he equates to silent devices. See Final Office Action, p. 2.

However, as Examiner notes, applicants define silent devices as "edge devices that are capable of responding to traffic transmitted by other devices, but that do not initiate traffic on their own." Hence, being an edge device is a necessary but not sufficient condition for a device to be classified as a silent device. To be a silent device, the edge device must also be capable of responding to traffic transmitted by other devices but not capable of initiating traffic on its own. Neither FIGS. 2 and 12 nor the abstract of Tonnby, cited as disclosing the "silent device

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limitation" of Claims 1 and 10, indicate that the edge devices are capable of responding to traffic transmitted by other devices but not capable of initiating traffic on their own.

Contrary to his initial arguments, Examiner argues now that Tonnby does indeed disclose a silent device. However, inspection of FIGS. 2 and 12, cited by Examiner, does not show that the user devices meet the definition of silent device described in the present application. It appears that the user devices of Tonnby are in fact capable of initiating traffic on their own and there is no indication that these devices are printers or the equivalent thereof.

In addition, the Tonnby reference does not disclose the "receiving a command associating the device to the VLAN" limitation of Claim 1 or the corresponding limitation of Claim 10. Examiner cites page 2, lines 8-10 of Tonnby as disclosing this limitation. Tonnby, in relevant part, states, "[t]he users can select services by configuring their apparatuses to a selected one of the VLANs." However, this excerpt of Tonnby does not disclose receipt of a command (at a node) associating the device to the VLAN, but rather discloses using service networks arranged into groups with each group allocated a VLAN by configuring the ports in the switches. No discussion of receiving a command at a node occurs in Tonnby.

Examiner argues that the claim language as currently drafted does not specify where a command is coming from, or if any human being is directly involved. *See Office Action*, p. 3. Hence, he maintains his rejection on the basis of Tonnby. In response to this rejection, Applicant has now further amended independent claims 1 and 10 to specify where the command is coming from to further differentiate independent claims 1 and 10 of the present invention from Tonnby.

Regarding Claims 4 and 5, as these claims depend either directly or indirectly from independent Claim 1, and therefore incorporate all the limitations therein, for the reasons set

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forth above with respect to Claim 1, Applicants respectfully assert that these claims are also patentable over the cited references.

Regarding Claims 13 and 14, as these claims depend either directly or indirectly from independent Claim 10, and therefore incorporate all the limitations therein, for the reasons set forth above with respect to Claim 10, Applicants respectfully assert that these claims are also patentable over the cited references.

II. Regarding the 35 USC 103(a) rejection

In the Office Action, dependent Claims 3, 6-9, 12, 15-18 and 20-21 were rejected under 35 USC 103(a) as being anticipated by Tonnby and additional prior art.

Regarding Claims 3 and 6-9, as these claims depend either directly or indirectly from independent Claim 1, and therefore incorporate all the limitations therein, for the reasons set forth above with respect to Claim 1 and the 102(a) rejection, Applicants respectfully assert that these claims are also patentable over the cited references.

Regarding Claims 12 and 15-18, as these claims depend either directly or indirectly from independent Claim 10, and therefore incorporate all the limitations therein, for the reasons set forth above with respect to Claim 10 and the 102(a) rejection, Applicants respectfully assert that these claims are also patentable over the cited references.

Independent Claim 19 was rejected under 35 USC 103(a) as being unpatentable over Tonnby in view of Berlovitch et al. (US 6,061,334). Tonnby was cited as disclosing the same limitations in Claim 19 as previously discussed in conjunction with Claim 1 and Claim 10. However, Tonnby does not in fact disclose these limitations as discussed previously in conjunction with Claims 1 and 10. As these two references, whether taken alone or in any

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reasonable combination fail to teach, disclose or render obvious the invention as claimed in independent Claim 19, Applicants respectfully request that this rejection be withdrawn.

Regarding Claims 20 and 21, as these claims depend either directly or indirectly from independent Claim 19, and therefore incorporate all the limitations therein, for the reasons set forth above with respect to Claim 19, Applicants respectfully assert that these claims are also patentable over the cited references.

It is believed that the foregoing amendment and remarks place this Application in condition for allowance; therefore, Applicants respectfully request withdrawal of the Examiner's rejection of the claims as set forth in the Office Action, and full allowance of same. Should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned at 512-306-8533 to expeditiously resolve any outstanding issues.

Respectfully submitted,

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